

**IN THE FEDERAL DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
CIVIL DIVISION**

MARY JONES, et. al.,)	
)	
Plaintiffs)	
)	
v.)	Case No.: 1:06-CV-585
)	
)	
THOMAS FLATHMANN, et. al.,)	
)	
Defendants.)	

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST CONSOLIDATED
DISCOVERY REQUEST OF DEFENDANT THOMAS FLATHMANN**

Preliminary Statement

These responses are made solely for the purpose of this action. Each answer is subject to all appropriate objections (including, but not limited to, objections of confidentiality, relevancy, propriety and admissibility) which would require the exclusion of any statement herein if the discovery were presented by a witness present and testifying in court. All such objections and grounds are reserved and may be interposed at the time of trial or at a hearing on any motion.

Responses to Interrogatories

1. **Please state your full name, address and telephone number.**

Thomas Michael Flathmann
626 Bridlewood Drive
Mt. Pleasant, SC 29466
334-648-4898

2. **Please produce a legible copy of your drivers license.**

A copy of same is attached hereto.

Michael Campbell - Address and telephone number unknown.

Unknown Patrol Deputy Sheriff - Houston County Sheriff's Office, P.O. Drawer 6406, Dothan, Alabama, 36302, 334-677-4888

Unknown Dothan Police Department K-9 Unit, 210 N. Saint Andrews Street, Dothan, Alabama, 36303, 334-677-0100

Ashford Rescue Team - 305 Midland Street, Ashford, AL 36313 334-899-5115

- 7. Have you ever directed, ordered, or otherwise caused anyone else, other than yourself, to physically enter Plaintiff's property, and if so, who and when?**

I entered with the search team on January 18, 2006.

- 8. What is the extent of your training as a law enforcement officer, and in your answer please state the dates, places, and organizations from whom you received such training?**

Law enforcement for 12 years. (1 year reserve officer while still active duty in the military)
Alabama Police officer standards training in 1997

Patrol officer, Midland City, Alabama

Patrol and Narcotics Inv. Dothan Police Department, Dothan, Alabama

Patrol and Narcotics Inv. Houston County Sheriff's Office, Dothan, Alabama

While I have attended numerous courses and seminars, I do not have access to or possess my training records and certificates necessary for me to further respond to this interrogatory as I am no longer employed as a Dothan Police officer or Deputy Sheriff.

APOST in Montgomery, Alabama may have some or all of my training information. The burden and expense of deriving or ascertaining the records from APOST is substantially equal for the Defendant as for the Plaintiff. Further, this interrogatory is objected to as over broad in nature and/or is unduly burdensome for the Defendant.

Defendant objects to and asserts that the information requested in this interrogatory is not relevant to any party's claim or defense. The focus of this question does not appear to be the actual claims and defenses in the action but seems more likely to be directed in an effort to develop new claims or defenses not already pleaded.

- 9. Please state your race?**

Caucasian.

- 10. Please state whether or not you ever referred to or addressed Plaintiffs by anything other than their names, and if so, please state with specificity how you addressed Plaintiff(s), either one or both.**

No. Only Sir or Ma'am.

- 11. Please state what authority, if any, you had to enter Plaintiff's premises on January 18, 2006, and provide the appropriate documentation of said authority, if any.**

Signed search warrant, a copy of which was provided to Plaintiff on or about May 6, 2008. If the Plaintiff has misplaced same or for any reason wants another copy of same, one will be provided upon verbal or written request.

- 12. Is it your opinion that a law enforcement officer is entitled to use racially charged language and racial expletives when verbally responding to or addressing a person, including but not limited to these Plaintiffs?**

No.

- 13. Do you know of any ethical standards or laws which are designated, created, or otherwise intended to guide, protect, serve, and/or train law enforcement officers how they should conduct themselves when addressing citizens? If so, please list and describe with specificity.**

Ethics taught at police academy, Standards and Operating Procedures for each department. Otherwise, I do not possess the information or documentation to respond to this interrogatory. Further, this interrogatory is objected to as over broad in nature and/or is unduly burdensome for the Defendant.

Defendant objects to and asserts that the information requested in this interrogatory is not relevant to any party's claim or defense. The focus of this question does not appear to be the actual claims and defenses in the action but seems more likely to be directed in an effort to develop new claims or defenses not already pleaded.

- 14. Please produce legible copies of any and all affidavits used to acquire search warrant(s) of any property or premises belonging to Plaintiffs or in Plaintiff's possession for the execution of same on January 18, 2006.**

This was previously provided to Plaintiff on or about May 6, 2008. If the Plaintiff has misplaced same or for any reason wants another copy of same, one will be provided upon verbal or written request.

- 15. Please produce legible copies of any and all documents and photographs you intend to use at trial of this matter.**

What will be used at trial has not been determined at this time but will be provided to Plaintiff once such determination is made.

- 16. Please state the name, address, and telephone number of any and all witnesses you intent to call at trial of this matter.**

What will be used at trial has not been determined at this time but will be provided to Plaintiff once such determination is made.

- 17. Please state the whether or not you or anyone under your direction has made any effort to repair or replace the tangible property of Plaintiff's damaged during the search of Plaintiff's premises on January 18, 2006, and if so, please state with specificity those efforts made for reparations.**

I do not know.

- 18. Please state whether or not you or someone under your direction has contacted or caused to contact any family members of the Plaintiff's since January 18, 2006, and if so, please state when, where, and why.**

Not that I know of.

- 19. Please state with specificity the names and addresses of any and all person(s) with which you have discussed the events of January 18, 2006.**

To my recollection, and other than to my attorney(s):

Deputy Tracey McCord - Houston County Sheriff's Office, P.O. Drawer 6406, Dothan, Alabama, 36302

Deputy Donovan Arias - Houston County Sheriff's Office, P.O. Drawer 6406, Dothan, Alabama, 36302

Deputy Tony Turner - Houston County Sheriff's Office, P.O. Drawer 6406, Dothan, Alabama, 36302

Sheriff Andy Hughes - Houston County Sheriff's Office, P.O. Drawer 6406, Dothan, Alabama, 36302

I may have mentioned the suit to others but I do not recall who they are.

- 20. Please state with specificity the names and locations of any and all search warrants that you have participated in Houston County, Alabama between January 2005 and October 2006.**

I have been involved in the execution of numerous search warrants but I do not have copies of same nor can I list each one from memory. All search warrants are returned to the office of the Clerk of the 20th Judicial Circuit, Houston County, Alabama.

The information requested in this interrogatory is contained in the records of the office of the Clerk for the 20th Judicial Circuit in Houston County, Alabama. The burden and expense of deriving or ascertaining the answer to this interrogatory is substantially equal for the Defendant as for the Plaintiff.

Defendant does not possess the information or documentation to respond to this interrogatory.

This interrogatory is objected to as over broad in nature and/or is unduly burdensome and/or expensive for the Defendant.

Defendant objects to and asserts that the information requested in this interrogatory is not relevant to any party's claim or defense. The focus of this question does not appear to be the actual claims and defenses in the action but seems more likely to be directed in an effort to develop new claims or defenses not already pleaded.

- 21. Please state with specificity the name, telephone number, and address of your employer and supervisor on January 18, 2006.**

Employed by the Sheriff of Houston County, as a Deputy Sheriff and my immediate supervisor at the time was Sgt. Tracey McCord who was also a Deputy Sheriff.

P.O. Drawer 6406, Dothan, Alabama, 36302, 334-677-4888

- 22. Please state any and all contact that you have had with the Plaintiffs prior to January 18, 2006.**

None that I recall.

- 23. Please give the completed name, address, telephone numbers, and your relationship and/or personal knowledge of the alleged person named "Josh" in the search warrant obtained for the search of Plaintiffs premises and property and incidental to the event(s) made the basis of this suit.**

My knowledge is as stated in the search warrant provided to Plaintiff on or about May 6, 2008.

- 24. Please list every court proceeding including case name, case number, and the jurisdiction in the past five years that you have testified and or been a witness.**

Defendant does not possess the information or documentation to respond to this interrogatory.

This interrogatory is objected to as over broad in nature and/or is unduly burdensome and/or expensive for the Defendant.

The information requested in this interrogatory is contained in the records of the office of the Clerk for the 20th Judicial Circuit in Houston County, Alabama. The burden and

expense of deriving or ascertaining the answer to this interrogatory is substantially equal for the Defendant as for the Plaintiff.

Defendant objects to and asserts that the information requested in this interrogatory is not relevant to any party's claim or defense. The focus of this question does not appear to be the actual claims and defenses in the action but seems more likely to be directed in an effort to develop new claims or defenses not already pleaded.

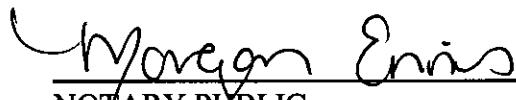
25. Do you acknowledge that the above answers are taken under oath?

Yes

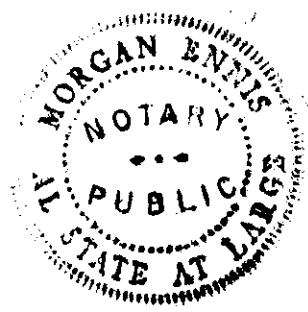


THOMAS FLATHMANN

Sworn to and subscribed before me on this the 23rd day of May, 2008.



Morgan Ennis
NOTARY PUBLIC
My Commission Expires: 2-11-2012



As to Objections contained in the responses.

s/Gary C. Sherrer
GARY C. SHERRER
Bar Number: SHE016
Attorney for Defendant

OF COUNSEL

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CERTIFICATE OF SERVICE

I, Gary C. Sherrer, hereby certify that I have served a copy of the foregoing upon, Michael Guy Holton and Jennifer M. Holton, 5748 Carmichael Parkway, Suite D, Montgomery, Alabama 36117, by placing a copy of same in the U.S. Mail, postage prepaid and properly addressed on this 23rd day of May, 2008.

s/Gary C. Sherrer
OF COUNSEL

